

BEFORE THE INVESTIGATIVE PANEL OF THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A  
JUDGE, NO. 00-211,  
HOWARD C. BERMAN

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CASE NO.: SC00-2491

**MOTION FOR PROTECTIVE ORDER OF JQC INVESTIGATOR**

COMES NOW the Judicial Qualifications Commission through its undersigned Special Counsel and moves for an order protecting Robert W. Butler, Investigator for the JQC, from testifying at deposition at this matter and states as follows.

1. On August 23, 2001, counsel for Judge Berman sent a letter to the undersigned stating his intention to take the deposition of JQC Investigator Robert W. Butler, and to subpoena Mr. Butler to bring "his files" to said deposition. The letter is dated August 14, 2001, but was faxed and received on August 23. A copy of the letter with its fax cover sheet is attached hereto as Attachment A.

2. The testimony and files of Robert W. Butler constitute work product and are privileged pursuant to Rule 1.280, Fl. R. Civ.P., and are not discoverable.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered by U.S. Mail to: The Honorable James Jorgenson, Chair, Hearing Panel, Florida Judicial Qualifications Commission, Mount Vernon Square, 1110 Thomasville Road, Tallahassee, Florida 32303; Thomas C. MacDonald, Jr., Esquire, Cook, Bell & MacDonald Mediation Group, 100 N. Tampa Street, Suite 2100, Tampa, Florida 33602; Brooke Kennerly, Executive Director, Florida Judicial Qualifications Commission, Mount Vernon Square, 1110 Thomasville Road, Tallahassee, Florida 32303; John R. Beraneck, Esquire, Ausley & McMullen, 227 S. Calhoun Street, Tallahassee, Florida 32301; Sydney

A. Stubbs, Esquire, Jones, Foster, Johnston & Stubbs, P.A., 505 S. Flagler Drive, Suite 1100, West Palm Beach, FL 33402-3475; Bettye J. King, Esquire, 625 North Flagler Drive, Suite 501, West Palm Beach, Florida 33481; and to Scott N. Richardson, Esquire, Atterbury, Goldberger and Richardson, 250 Australian Avenue South, Suite 1400, West Palm Beach, Florida 33401-5015, this \_\_\_\_\_ day of August, 2001.

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